

CALIFORNIA COASTAL COMMISSION

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Staff: CP-LB
Staff Report: 7/20/2000
Hearing Date: August 8, 2000
Commission Action:

**STAFF REPORT: DE NOVO & REGULAR CALENDAR**

APPLICATION NUMBER: 5-00-198 **APPEAL NUMBER:** A5-VEN-00-173

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APPLICANT: Clabe Hartley

AGENT: Bruno Bondanelli

PROJECT LOCATION: 30 Washington Boulevard, Venice, City of Los Angeles.

PARKING LOCATION: 104 E. Anchorage Street, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Construction, use and maintenance of a two-story, 3,800 square foot restaurant with second story open dining deck (with valet parking service and 120 off-site parking spaces proposed at Westside Leadership Magnet School, Los Angeles Unified School District).

LOCAL APPROVALS: City of Los Angeles Local Coastal Development Permit #99-009, Conditional Use Permit, Zone Variance and Project Permit (Case No. ZA 99-0435).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a de novo permit (A5-VEN-00-173) and a coastal development permit (5-00-198) for the proposed development with special conditions to protect the nearby public parking facilities from the parking impacts of the proposed restaurant. **See page two for motions.** The special conditions would require the applicant to: a) secure a long-term (5 years minimum) lease in order to ensure the provision of the off-site parking supply as proposed, b) provide the proposed valet parking service and off-site parking supply during all hours that the restaurant is open for business, c) provide free parking for restaurant employees, d) prohibit encroachments, and e) limit building height and signage. The applicant objects to the requirement for a long-term lease of the off-site parking supply and the requirement to provide customer and employee parking during all hours that the restaurant is open for business.

The proposed project is located within 300 feet of the beach. Therefore, it is within the coastal zone area of the City of Los Angeles which has been designated in the City's permit program as the "Dual Permit Jurisdiction" area. Pursuant to Section 30601 of the Coastal Act and Section 13307 of the California Code of Regulations, any development located in the Dual Permit Jurisdiction that receives a local coastal development permit from the City must also obtain a permit from the Coastal Commission. The City-approved local coastal development permit for the proposed project was appealed to the Commission on May 11, 2000 (Appeal No. A5-VEN-00-173). On June 15, 2000, the Commission found that a Substantial Issue exists with the City's approval of the proposed project and its associated off-site valet parking program. In order to minimize duplication, Commission staff has combined the de novo appeal permit (A5-VEN-00-173) and coastal development permit application (5-00-198) into one staff report and one

Commission hearing. However, the Commission's approval, modification or disapproval of the proposed project will require two separate Commission actions: one action for the de novo appeal permit and one action for the coastal development permit application. Staff is recommending that the Commission approve both permits with the following identical special conditions and findings.

SUBSTANTIVE FILE DOCUMENTS:

1. Commission Staff Report: Substantial Issue for Appeal No. A5-VEN-00-173 (5/24/2000).
2. City of Los Angeles Local Coastal Development Permit No. 99-009 (Hartley).
3. City of Los Angeles Conditional Use Permit, Zone Variance and Project Permit (ZA 99-0435).
4. Proposed Venice Land Use Plan, City of Los Angeles Planning Dept., October 1999.

STAFF RECOMMENDATION:

MOTION 1: *"I move that the Commission approve with special conditions Coastal Development Permit 5-00-198 per the staff recommendation as set forth below."*

The staff recommends a **YES** vote. Passage of the motion will result in **APPROVAL** of the coastal development permit application with special conditions, and adoption of the following resolutions and findings. The motion passes only by an affirmative vote of a majority of Commissioners present.

MOTION 2: *"I move that the Commission approve with special conditions Coastal Development Permit A5-VEN-00-173 per the staff recommendation as set forth below."*

The staff recommends a **YES** vote. Passage of the motion will result in **APPROVAL** of the de novo permit with special conditions, and adoption of the following resolutions and findings. The motion passes only by an affirmative vote of a majority of Commissioners present.

I. Resolution: Approval with Conditions of 5-00-198

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Resolution: Approval with Conditions of A5-VEN-00-173

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

III. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

IV. Special Conditions**1. Parking Program**

The following parking program shall be implemented during all hours that the proposed restaurant is open for business. The applicant shall provide and maintain a valet parking service and an off-site parking supply (with a minimum capacity of 38 vehicles) for use by the employees and customers of the proposed restaurant during all hours that the restaurant is open for business. Restaurant employees shall be provided with free parking within the off-site parking supply.

Off-site Parking Supply:

Prior to the issuance of the coastal development permit, the applicant shall submit a long-term (minimum 5-years) lease agreement, for the review and approval of the Executive Director, that secures the applicant's legal ability to access and utilize the proposed off-site parking supply located at the Westside Leadership Magnet School (104 E. Anchorage Street, Venice, City of Los Angeles). The authorization to operate the restaurant granted in the coastal development permit is contingent upon the continuing availability of the off-site parking supply to meet the restaurant's parking demands during all hours that it is open for business. The proposed restaurant is not permitted to operate without the provision of the required off-site parking supply.

Valet Parking Service:

The applicant shall provide a valet parking service, consistent with the following requirements and limitations, during all hours that the proposed restaurant is open for business:

- a. Valet Station: One vehicle drop-off/pick-up station, utilizing a maximum of two (2) public on-street parking spaces, is permitted on Washington Boulevard in the immediate vicinity of the proposed restaurant (subject to the approval of the City of Los Angeles). All public on-street parking spaces located on Washington Boulevard shall be available for use by the general public on a first-come, first-serve basis consistent with all applicable City parking regulations at all times when the valet parking service is not in operation.
- b. Vehicle Storage: The valet parking service shall store/park all vehicles in the proposed off-site parking area located at the Westside Leadership Magnet School (104 E. Anchorage Street, Venice, City of Los Angeles). Storage of vehicles by valets is prohibited in the public beach/pier parking lots, on public rights-of-way, and in on-street parking spaces (except for loading and unloading at the vehicle drop-off/pick-up station described above).
- c. Cost of Valet Parking Service: The fee charged for the valet parking service shall not at any time exceed the rate charged for parking at the Los Angeles County public beach parking lot located at the Venice Pier.
- d. Employee Parking: Employees of the proposed restaurant shall have their vehicles stored/parked within the proposed off-site parking area located at the Westside Leadership Magnet School (104 E. Anchorage Street, Venice, City of Los Angeles) during all work hours at no cost.
- e. Signage: A double-faced portable sign shall be placed at the valet vehicle drop-off/pick-up station during all hours that the valet parking service is in operation. The sign shall clearly announce the availability of the valet parking service for customer use and the cost of valet parking. Each face of the sign shall not exceed 15 square feet in area, and the sign shall not rotate, flash, or be internally illuminated.

The valet parking service shall be provided consistent with the above-stated requirements and limitations. Any change in the operation of the valet parking service shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

2. Encroachments

The applicant, leaseholders, tenants, employees and/or operators of the proposed project shall not place any object on the sidewalk that exists in front of the proposed structure. Prohibited encroachments include, but are not limited to, signs, tables, chairs, displays and merchandise racks.

3. Signs

Signs placed on the exterior walls of the proposed structure shall not exceed twenty square feet in area. There shall be no more than two signs on the exterior of the structure that exceed ten square feet in area. Rooftop signs and signs that exceed the height of the structure are prohibited. No

sign, or any portion of any sign, shall exceed fifteen feet above the elevation of the fronting right-of-way. No sign shall rotate, flash, or be internally illuminated. No freestanding signs are permitted.

4. Height Limit

The top of the roof of the proposed structure shall not exceed 35 feet above the elevation of Washington Boulevard.

5. Deed Restriction

Prior to issuance of the coastal development permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the restrictions set forth in Special Conditions 1 through 4 of Coastal Development Permits A5-VEN-00-173 and 5-00-198 stated above. The deed restriction shall include legal description of the applicant's parcel (APN 4225-01-005). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit.

V. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project involves the construction and use of a two-story, 3,800 square foot restaurant on a vacant 1,890 square foot lot in the Marina Peninsula area of Venice (See Exhibits). The applicant proposes to provide a total of 1,752 square feet of dining area within the two level structure, including a proposed 500 square foot open dining patio on the second level. No sidewalk dining is proposed.

The C2-1-0 zoned lot, where the proposed restaurant is being built, is situated on the south side of Washington Boulevard about one block inland from the Venice Pier (Exhibit #2). Washington Boulevard is a commercially zoned street lined with one and two-story restaurants, shops and cafes which cater to local residents and the thousands of coastal visitors who are attracted to Venice Beach. Both sides Washington Boulevard, where the proposed restaurant is located, are lined with metered diagonal public parking spaces. The Venice Pier public beach parking lot, administered by the Los Angeles County Department of Beaches and Harbors, is located on the south side of the pier at the end of Washington Boulevard (Exhibit #2). The area surrounding the Washington Boulevard commercial corridor consists primarily of residential neighborhoods.

The proposed structure occupies the entire lot. Therefore, no on-site parking is proposed. Instead, the applicant proposes to lease property from the Los Angeles Unified School District for an off-site parking supply at the Westside Leadership Magnet School, located approximately 200 feet southeast of the proposed restaurant (Exhibit #2). The applicant's proposed parking plan consists solely of a valet parking service that would park up to 120 cars on the school site when school is not in session. The applicant has proposed no other provisions for parking other than the valet service using the school site to store vehicles.

B. Land Use

Section 30222 of the Coastal Act requires that visitor-serving commercial uses be given priority over residential and other non-priority land uses. Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The proposed restaurant project would provide coastal visitors and nearby residents with sit-down dining service. Therefore, the proposed project is consistent with Section 30222 of the Coastal Act because it would provide a visitor-serving commercial use on the site.

The proposed project is also consistent with the land use designation proposed for the site in the City of Los Angeles proposed Land Use Plan (LUP) for Venice that has been submitted for Commission certification as part of the LCP process. The proposed Venice LUP designates the site, as well as the adjoining commercial properties that line Washington Boulevard, with the Community Commercial land use designation. The proposed Venice LUP specifically calls for visitor-serving commercial uses, such as restaurants, to be located in the Community Commercial land use designation. Therefore, the proposed land use complies with Section 30222 of the Coastal Act and the land use designation proposed for the site in the proposed Venice LUP.

C. Public Access/Parking

The proposed project is located in the Venice Pier area on the northern edge of the Marina Peninsula residential neighborhood (Exhibit #1). The vacant 1,890 square foot lot is situated one block inland of the Venice Pier, beach and Ocean Front Walk (Exhibit #2). One of the most important coastal planning issues for this part of Venice is the issue of parking and the lack thereof. New developments must provide an adequate parking supply in order to protect the existing public parking facilities that support public access to the many recreational opportunities available at this highly popular coastal area.

Many of the existing commercial and residential structures in this area were constructed decades ago at a time when the parking demands generated by development were significantly less than they are today. The restaurants, cafes and shops that line Washington Boulevard have little or no on-site parking to serve their employees and customers. Consequently, there is a severe shortage of available parking spaces in the area when the demand for parking peaks. Visitors and users of the various commercial, residential and recreational uses in the area must compete for the limited number of available parking spaces in the area. This situation has negatively impacted the availability of public access to the coast during peak-use periods.

The largest parking reservoirs in the project area are the Venice Pier public beach parking lot (approximately 302 spaces) and the metered on-street parking spaces that line Washington Boulevard (approximately 50 spaces). The streets of the surrounding residential neighborhoods provide very few on-street parking spaces because most of the streets are walk streets with no vehicular access. Vehicular access to the residential areas is provided primarily by narrow alleys with no on-street parking. Therefore, the limited public parking reservoirs provide parking not only for beach visitors and customers of the

commercial uses, but also for employees of the commercial uses and guests of the area's residents and some of the residents themselves.

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. In order to conform to the requirements of the Coastal Act, the proposed project is required to provide adequate parking facilities.

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....

Section 30252 of the Coastal Act requires that public access be protected by ensuring that adequate parking be provided to meet the increased parking demand generated by new development. Further intensification of uses in the project area will increase the demand for parking. The demand for parking already surpasses the supply during peak use periods. The peak use periods in the Venice Pier area are primarily summer days when beach attendance increases. Parking demand is lowest when beach attendance is low, although the restaurants in the area do generate a significant demand for parking during the dinner hours.

Parking Demand

The amount of parking that is "adequate" is determined by calculating the parking demand of a specific project using a parking standard. The parking standard is typically part of a certified local coastal program or zoning ordinance. The Coastal Commission Regional Interpretive Guidelines for Los Angeles County (adopted 10/14/80) contain a parking standard table that is often used for guidance when the Commission determines what amount of parking is adequate for a proposed project. The parking standards contained in the Commission's Interpretive Guidelines were derived from parking studies undertaken by the City of Los Angeles Planning Department in the 1970's. The parking studies used field data to determine the average parking demand for various types of land uses. While the data used in the 1970's to establish parking standards is old, driving behavior in Los Angeles has not changed appreciably (i.e. there has not been a significant increase in the public's reliance on public transportation or forms of transportation other than automobiles).

In Venice, the City of Los Angeles currently uses the parking standards contained in the Venice Specific Plan. The parking standards contained in the Venice Specific Plan are based on the parking standards contained in the Coastal Commission Regional Interpretive Guidelines for Los Angeles County which have been implemented in Venice for more than twenty years. Prior to the City's 1999 adoption of the Venice Specific Plan, the City implemented the same parking standards through the Venice Interim Control Ordinance (ICO). Most recently, the City has included the same parking standards in the proposed Land Use Plan (LUP) for Venice that has been submitted for Commission certification as part of the LCP process.

The parking standards contained in the Venice Specific Plan and the proposed City of Los Angeles LUP for Venice would require the proposed project to provide 38 parking spaces as follows:

<u>Proposed Use:</u>	3,800 square foot restaurant with 1,752 square feet of customer service area.
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LUP Parking Standard:

Restaurant: 1 space for each 50 square feet of service floor area.

$$1,752/50 = 35 \text{ Parking Spaces}$$

Beach Impact Zone¹: 1 space for each 640 square feet ground floor area.

$$1,890/640 = \underline{3} \text{ Parking Spaces}$$

Total Parking Requirement:

38 Parking Spaces

The proposed project is located within the Beach Impact Zone (BIZ) of the Venice area as defined in the City of Los Angeles Venice Specific Plan and the proposed Venice LUP. The BIZ parking requirements apply to new developments in the BIZ area, and are in addition to the standard parking requirements. The parking spaces generated by the BIZ parking requirements help offset the cumulative impacts on public access opportunities caused by the intensification of commercial enterprises in the Venice area. The City allows applicants to pay fees into the Venice Coastal Parking Impact Fund in lieu of providing up to fifty percent of the actual number of required BIZ parking spaces. The Venice Coastal Parking Impact Fund is administered by the City of Los Angeles Department of Transportation.

Proposed Parking Plan

In this case, the applicant proposes to implement a parking plan that would provide all of the required parking (38 parking spaces) in an off-site parking area leased from the Los Angeles Unified School District (Exhibit #4). No parking is proposed on the project site because the proposed restaurant structure occupies the entire lot. The proposed off-site parking area is comprised of the parking lot and asphalt playground of the Westside Leadership Magnet School which is located approximately 200 feet southeast of the proposed restaurant (Exhibit #2). The applicant states that the school grounds can accommodate approximately 120 automobiles.

The applicant has submitted a one-year lease (expires June 11, 2001) agreement with the school district that allows valet parking on school grounds when school is not in session² (Exhibit #4). The terms of the school district lease allow valet parking on school grounds on Monday through Friday from 5:30 p.m. to 2 a.m., and on weekends from 7 a.m. to 12 p.m. (sic). Self-parking by restaurant customers or others on school grounds is not authorized by the school district. The applicant has proposed no other provisions for customer and employee parking other than the proposed valet parking service using the school site to store vehicles.

Valet Parking Service

¹ Venice Specific Plan Section 11.D/LUP Policy II.A.4 (Parking Requirements in the Beach Impact Zone): Commercial and industrial projects in the BIZ shall provide one additional parking space for each 640 square feet of floor area of the ground floor.

² The applicant invited the Los Angeles Unified School District to be a co-applicant in this coastal development permit application. The Los Angeles Unified School District declined to be a co-applicant.

The applicant asserts that the proposed parking plan, which consists solely of the valet parking service and the school site, provides more than adequate parking for the proposed project. In fact, the proposed valet parking service would provide more than the required number of parking spaces for the proposed restaurant, and would also increase the overall parking supply for all visitors to the area. The applicant states that any person, including beach goers and customers of any other commercial establishment, would be able to utilize the proposed valet parking service at the same rate of \$4.50 per vehicle. No parking validations or discounts are proposed that would give preference to any one group (i.e. restaurant customers, beach goers) over another.

As described by the applicant, the proposed valet parking service would utilize two existing on-street parking spaces on Washington Boulevard that the City has designated for 15-minute parking. A valet stand would occupy these two on-street parking spaces and use the space for the drop-off and pick-up of vehicles. The valet parking service would store the dropped-off vehicles at the Westside Leadership Magnet School consistent with the school district lease. No public parking spaces, except for the two on-street spaces utilized for the valet stand, are proposed to be used by the valet parking service for vehicle storage.

Parking Plan Analysis

As previously stated, Section 30252 of the Coastal Act requires that public access be protected by ensuring that new development provide adequate parking to meet the increased parking demand that the new development generates. Intensification of existing uses and new uses in the project area will result in additional demands on the parking supply that supports public access to Venice Pier and the beach. Therefore, the Commission consistently requires the provision of new parking supplies to offset the additional parking demand that is generated by new development.

In Venice, the small lots and non-conforming structures (that provide little or no on-site parking) make it very difficult for applicants to provide adequate on-site parking or create new off-site parking. The creation of new commercial uses in Venice often depends on the development of creative solutions to the parking dilemma. Several proposed projects in Venice have been scaled down or have not been approved due to the lack of adequate parking facilities.

However, the Commission has authorized new commercial development and intensification of existing commercial uses that depend on off-site parking to meet new parking demands. Adequate parking can be provided at off-site locations, consistent with the requirements of Section 30252 of the Coastal Act, if the parking conforms to the following parameters:

1. The proposed off-site parking supply must provide an adequate capacity to meet the demands of the project.
2. The proposed off-site parking supply must be near the proposed project and be accessible for convenient use by the target group that the off-site parking serves.
3. The proposed off-site parking supply must be available for convenient use during the hours that the parking is needed to meet the demands of the project.
4. The proposed off-site parking supply must be available to meet the demands of the project on a permanent or long-term basis.

An off-site parking plan that does not conform to the above-stated parameters would result in an increased demand on the existing public parking supply and would therefore impede the public's ability to access the coast.

The applicant's proposed parking plan conforms to the first two parameters listed above. First, the proposed parking area at the Westside Leadership Magnet School can accommodate up to 120 vehicles. Therefore, the capacity of the proposed off-site parking reservoir would exceed the parking requirement (38 spaces) for the proposed project.

Secondly, the proposed off-site parking supply would be close and convenient. The Commission typically requires that off-site parking be within 300 feet of the commercial use that it supports. The Commission's 300-foot standard, however, is more applicable to self-parking areas where people would have to walk between the off-site parking and the commercial use. In this case, the proposed off-site parking supply is located approximately 200 feet from the proposed restaurant and would be easily accessible for convenient use by persons who utilize the proposed valet parking service. People will be encouraged to use the proposed valet parking service because: a) the proposed valet parking rate of \$4.50 is less than the \$6-9 charged for using the Venice Pier public beach parking lot, and b) there are very few opportunities to park elsewhere. Of course, the on-street metered parking spaces on Washington Boulevard (approximately 50 spaces) would likely fill-up first because of the relative convenience of self-parking on the street.

The applicants proposed parking plan does not conform to the following two parameters that are necessary to protect public access to the coast.

The proposed off-site parking supply must be available for convenient use during the hours that the parking is needed to meet the demands of the project.

The terms of the school district lease allow valet parking on school grounds on Monday through Friday from 5:30 p.m. to 2 a.m., and on weekends from 7 a.m. to 12 p.m. (sic) (Exhibit #4). The applicant intends to open the proposed restaurant daily for lunch and dinner, opening at about 11 a.m. each day and closing at about midnight each night. On weekends, the parking supply would be available during all hours that the proposed restaurant would be open. On weekdays, however, the parking supply would not be available for use until 5:30 p.m., leaving customers and employees to compete with beach goers and others for the limited public parking supply.

The proposed off-site parking supply must be available to meet the demands of the project on a permanent or long-term basis.

The applicant has submitted a one-year lease for the off-site parking that would expire on June 11, 2001. The applicant asserts that the lease will be renewed on an annual basis. There is, however, no guarantee that the school district will authorize future extensions of the annual parking lease. The school district may need the area for expansion or night school, or there could be a change in the administration of leases such as this. In any case, the applicant has no provision to meet the proposed project's demand for customer and employee parking other than the proposed valet parking service using the school site to store vehicles. The loss of the off-site parking at the school site would leave a parking deficit of 38 parking spaces which would result in an increased demand on the existing public parking supply and would therefore impede the public's ability to access the coast.

The lack of available customer parking during all hours of restaurant operation and the lack of a guaranteed parking supply after June 11, 2001 may not have an immediate significant negative impact on

coastal access. However, the cumulative impact of authorizing similar new development without adequate or guaranteed parking supplies would have the effect of further limiting the public's ability to find the public parking park that is necessary to support public access to Venice Pier and Venice Beach

Therefore, the Commission must impose special conditions on the proposed project in order for it to conform to the requirement of Section 30252 of the Coastal Act that new development provide adequate parking facilities to protect public access to the coast. The special conditions are necessary to mitigate the negative impacts to public access that would result if the proposed restaurant and off-site parking plan were approved as proposed by the applicant. In order to protect the public parking supply that is necessary to maintain public access to the coast, the approval of the coastal development permit is conditioned to:

- Ensure that the proposed off-site parking supply is available to adequately meet the demands of the project on a long-term basis (5 years minimum).
- Ensure that the proposed off-site parking supply is available for convenient use during the hours that the parking is needed to meet the demands of the project (All hours that the restaurant is open for business).
- Ensure that the operation of the proposed valet parking service is carried out in a manner that provides the required parking supply without negatively affecting public access.

In addition, employees of the proposed restaurant shall be encouraged to utilize the valet parking service through the incentive of free valet parking. A condition also requires a sign program to announce the availability of the valet parking service for use by the customers of the proposed restaurant.

The Commission finds that, only as conditioned, the proposed project would provide an adequate parking supply and be consistent with the public access policies of the Coastal Act.

D. Public Access on the Washington Boulevard Sidewalk

The Washington Boulevard sidewalk provides direct pedestrian access from inland areas to Venice Pier and the beach. Therefore, the proposed project must not inhibit the use of the Washington Boulevard sidewalk as a pedestrian sidewalk. The proposed structure directly abuts the public sidewalk with no structural setback. In fact, a portion of the proposed roof actually encroaches into the airspace above the public right-of-way. The proposed roof encroachment, however, is high enough above the sidewalk that it would not inhibit the use of the sidewalk as a pedestrian walkway.

Other types of encroachments, however, could obstruct pedestrian access along the sidewalk. Therefore, the permit is conditioned to protect public access by prohibiting encroachments and the placement of objects on the sidewalk. Prohibited encroachments include, but are not limited to, signs, tables, chairs, racks, or other objects. Only as conditioned can the proposed project be found to be consistent with the public access policies of the Coastal Act.

E. Community Character

As previously stated, the project site is located on Washington Boulevard, a commercial street that terminates at the Venice Pier and Ocean Front Walk at Venice Beach. Venice Beach is a very popular, highly utilized public recreation area, and Ocean Front Walk is a popular public walkway (boardwalk). The beach is a very wide, sandy beach which can accommodate large numbers of visitors. Venice Beach is a popular destination for both international and domestic tourists, as well as Southern California area residents.

As required by the Coastal Act, the visual qualities of this coastal area shall be protected from negative impacts such as excessive building heights and bulks, and unnecessary visual clutter.

Section 3025I of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas....

Building height and bulk can affect the scenic and visual qualities of coastal areas. In order to protect community character and visual quality in the Venice area, the Commission has consistently limited structural height. The Commission has consistently limited new development in the project area to a height of 35 feet measured above the fronting right-of-way. The Venice Specific Plan and the City of Los Angeles proposed Venice LUP also limit new development in the project area to a height of 35 feet.

The proposed project conforms to the 35-foot height limit. The only portion of the proposed structure that exceeds 35 feet is a chimney (Exhibit #3). Both the City and the Commission permit specific parts of a structure (i.e. chimneys and open roof deck railings) to exceed the height limit if the scenic and visual qualities of the area are not negatively impacted. As proposed, the design of the proposed structure adequately protects the visual resources of the area.

In order to ensure that the construction of the proposed project complies with the height limit, the permit is conditioned to limit the roof level of the proposed structure to 35 feet above the elevation of Washington Boulevard. Only as conditioned above does the proposed project comply with the visual resource policies of the Coastal Act.

The local community and the Commission are also concerned about the design and appearance of the commercial structures that line Washington Boulevard and the inland side of Ocean Front Walk. Exterior signs and other advertising on structures can negatively impact the visual quality of the area. Therefore, in order to protect against excessive visual impacts caused by signs, the approval of the project is conditioned to limit the size and type of exterior signs that are permitted to be attached to the proposed structure.

The size of each sign placed on the exterior walls of the proposed structure shall not exceed twenty square feet in area. There shall be no more than two signs on the exterior walls of the proposed structure site that exceed ten square feet in area. Rooftop signs and signs that exceed the height of the structure are prohibited. No sign, or any portion of any sign, shall exceed fifteen feet above the elevation of the fronting right-of-way. No sign shall rotate, flash, or be internally illuminated. No freestanding signs are permitted.

Therefore, only as conditioned, does the proposed project adequately protect the scenic and visual qualities of the Venice area. Only as conditioned is the proposed project consistent with Section 30251 of the Coastal Act.

F. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice on October 29, 1999, and has submitted it for Commission certification. Commission certification of the proposed Venice LUP is pending. The proposed Venice LUP designates the project site as a Community Commercial land use.

The proposed project, as conditioned, conforms to the proposed Venice LUP. The proposed project, as conditioned, is also consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

G. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp